

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

HellermannTyton Data Limited,

Plaintiff,

v.

Case No.

Leviton Manufacturing Co., Inc.,

Defendant.

COMPLAINT

Plaintiff HellermannTyton Data, Limited (“HT Data”) by its attorneys Ryan Kromholz and Manion, S.C., by Joseph A. Kromholz and Melissa S. Hockersmith and Staes & Scallan, P.C. by Andrew T. Staes and Stephen D. Scallan, for its complaint against Defendant Leviton Manufacturing Co., Inc. (“Leviton”) alleges as follows:

The Parties

1. HT Data is a United Kingdom corporation incorporated under the laws of England and Wales. HT Data’s principal place of business is maintained in England. HT Data and its United States sister corporation, HellermannTyton Corporation, regularly conduct business in the United States, including in Illinois. HT Data is in the business of designing, manufacturing, marketing and selling infrastructure solutions including structured cabling products.

2. Leviton is a corporation incorporated under the laws of the state of Delaware. Leviton’s principal place of business is maintained in Melville, New York. Leviton regularly conducts business within Illinois and maintains a manufacturing facility in Bloomingdale, Illinois. Leviton is in the business of designing, manufacturing and marketing electronic components for consumer and industrial production.

Jurisdiction and Venue

3. This action arises under the patent laws of the United States, 35 U.S.C. §271 et seq. and is a complaint for patent infringement. This Court has subject matter jurisdiction over these claims pursuant to 28 U.S.C. §§1331 and 1338.

4. Leviton has made, used, sold, offered to sell, or caused to be sold infringing structured cabling products throughout the United States, including in the Northern District of Illinois.

5. This Court has personal jurisdiction over Leviton, because the infringing structured cabling products have been offered for sale and sold in the Northern District of Illinois.

6. Venue in this judicial district is proper pursuant to 28 U.S.C. §1391(b)(1) and (c) and pursuant to 28 U.S.C. §1400(b), because Leviton has a facility in Bloomingdale, Illinois.

7. Venue in this judicial district also is proper pursuant to 28 U.S.C. §1391(b)(2) and 28 U.S.C. §1400(b), because the offer to sell and sale of the infringing structured cabling products occurred in this district.

8. Venue in this judicial district also is proper pursuant 28 U.S.C. § 1391(c)(2), because Leviton is subject to personal jurisdiction in this district.

9. This Court has personal jurisdiction, under 735 Ill. Comp. Stat. 5/2-209, over Leviton because infringing product has been offered for sale and sold in this district and has a facility in Bloomingdale, Illinois.

General Allegations

10. HT Data is the owner of U.S. Patent No. RE43,221 (“the ‘221 patent”, a copy of which is attached as Exhibit 1) entitled “Structured Cabling System and Method.”

11. The ‘221 patent is a reissue of U.S. Patent No. 7,375,282, a copy of which is attached as Exhibit 2.

12. Claim 1 of the ‘221 patent is identical to claim 1 of U.S. Patent No. 7,375,282.

13. HT Data has the sole right to license others to manufacture, import, use, offer to sell and sell products claimed in the '221 patent.

14. Leviton is not licensed to manufacture, import, use, offer to sell or sell products claimed in the '221 patent.

15. Leviton sells a product line of structured cabling products it refers to as the "e2XHD Patching System." The e2XHD Patching System includes what Leviton refers to as "Pre-Terminated Copper Trunk Cables." (Exhibits 3 and 8.) The Pre-Terminated Copper Trunk Cables offered by Leviton include at least one configuration with a cassette at each end of a data cable ("Accused Two Cassette Pre-Terminated Assembly").

16. Leviton advertises the Pre-Terminated Copper Trunk Cables on its website, www.leviton.com ("Leviton Website").

17. The Leviton Website includes a product selector feature ("Product Selector") whereby customers can configure their desired copper cable assemblies based on a variety of options including cable type (A), cable length (B), and type of termination (C). (Exhibit 4.)

18. After the customer configures their desired cable assembly, the Product Selector identifies a Model Number (D) of that particular cable assembly configuration. (Exhibit 5.)

19. The customer can add the configured cable assembly to a project list. (Exhibit 5 at "E".) From the project list, the customer can request a price quote from Leviton. (Exhibit 7 at "F".)

20. Customers using the Product Selector can choose a configuration that has a cassette at each end of the cable assembly. (Exhibit 5 at "C".)

21. At least one configuration including a cassette at each end of a data cable bears part number CT-U6P06L004MCEA06N-CEA06N-S and is an example of an Accused Two Cassette Pre-Terminated Assembly. (Exhibit 5 at "C".)

22. Leviton's website includes a diagram of part number CT-U6P06L004MCEA06N-CEA06N-S ("Product Diagram"). (Exhibit 6.)

23. The structured cabling system identified in Exhibits 5-6 is offered for sale by Leviton.

24. The structured cabling system identified in Exhibits 5-6 is manufactured by Leviton.

25. Upon information and belief, Leviton introduced the e2XHD Patching System in or around February 2012. (Exhibits 9 and 10.)

Count 1-Direct Patent Infringement

26. HT Data re-alleges and incorporates by reference paragraphs 1-25 of the Complaint.

27. Leviton's offer for sale and sale of the Accused Two Cassette Pre-Terminated Assembly is an infringement of HT Data's rights under the '221 patent.

28. Leviton's offer for sale and sale of the Accused Two Cassette Pre-Terminated Assembly is an infringement of at least one claim of the '221 patent.

29. Leviton's offer for sale and sale of the Accused Two Cassette Pre-Terminated Assembly is an infringement of claim 1 of the '221 patent.

30. Leviton's offer for sale and sale of the Accused Two Cassette Pre-Terminated Assembly is an infringement of claim 4 of the '221 patent.

31. Leviton's offer for sale and sale of the Accused Two Cassette Pre-Terminated Assembly is an infringement of claim 5 of the '221 patent.

32. Leviton's offer for sale and sale of the Accused Two Cassette Pre-Terminated Assembly is an infringement of claim 10 of the '221 patent.

33. HT Data has been irreparably harmed by Leviton's direct infringement of the '221 Patent.

WHEREFORE, Plaintiff prays for relief as follows:

- A. For a decree adjudging that United States Letters Patent No. RE43,221 has been infringed by Defendant and that Plaintiff has been damaged by that infringement.
- B. For an injunction permanently enjoining Defendant, its officers, agents, servants, employees and attorneys, and those persons in active concert or participation with them who receive actual notice of the decree of this Court by personal service or otherwise, from directly or indirectly infringing the claims of United States Patent No. RE43,221.
- C. For an accounting and damages against Defendant, according to proof at the time of trial, for all damages suffered by Plaintiff by reason of the infringement by Defendant of United States Patent No. RE43,221 in an amount not less than a reasonable royalty, together with interest and costs, pursuant to 35 USC § 284.
- D. For damages in an amount equal to three times the amount of damages found or assessed to compensate Plaintiff for any act of infringement by a Defendant that is determined to be willful, deliberate and intentional, pursuant to 35 USC § 284.
- E. That Plaintiff has such other and further relief as the circumstances of the case may require or as this Court deems just and proper.

JURY DEMAND

Pursuant to Fed. R. Civ. P. 38(b), HellermannTyton Data Limited, hereby demands and requests a trial by jury of all claims and issues so triable.

Date: 31 December 2014

Respectfully submitted,

RYAN KROMHOLZ & MANION, S.C.

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